HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

and

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO : 2363 of 2005

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Between:

Abhyudaya Educational Society, Sirpur Kagaznagar, Having registration NO. 1168 of 1987, Rep. by its President, Sri K.V. Narayana Rao and others.

..... APPELLANTS

AND

1 The State of Andhra Pradesh, Rep. by its Principal Secretary, Higher Education, Secretariat, Hyderabad and others.

.....RESPONDENTS

::JUDGMENT::

Counsel for the Appellants : MR.NUTY RAM MOHAN RAO

Counsel for the Respondents : GP FOR HIGHER EDUCATION

13th December, 2005

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(per G.S. Singhvi,CJ)

This is an appeal under Clause 15 of the Letters Patent for setting aside order dated 13.8.2005 passed by the learned single judge in Writ Petition No. 11254 of 2005, whereby he negatived the appellants' challenge to order dated 9.5.2005 passed by Principal Secretary, Higher Education and proceedings Rc.No.3078/PC-III-3/93 dated 26.8.2004 issued by the Commissioner of Collegiate Education for appointment of Special Officer till the reconstitution of the Management.

We have heard the learned counsel for the parties and perused the record.

In the course of hearing, learned counsel for the appellants stated that his clients will feel satisfied if the court gives a time bound direction for finalisation of the enquiry being conducted by the Department of Higher Education.

Learned Government Pleader states that enquiry will be completed as early as possible. She also gave out that the management could be reconstituted in terms of Section 24(3)(a) of the A.P. Education Act, 1982.

In view of the submission made by the learned counsel for the parties, we do not consider it necessary to go into the correctness or otherwise of the findings recorded by the learned Single Judge and dispose of the appeal in the following terms:

1. Within three months from the date of receipt/submission of certified copy of this order, the competent authority shall complete the enquiry and pass appropriate order. Needless to say that the appellants shall be afforded reasonable opportunity of hearing by the concerned authority. They shall be entitled to raise all legally permissible objections and defend themselves qua the allegations levelled by the Department. They shall also be free to produce documentary evidence in support of their cause.

2) The appellants shall also be free to re-constitute the management and make an application for recall of the order appointing Special Officer.

While disposing of the appeal in the manner indicated above, we make it clear that the findings recorded in the order under appeal shall not prejudice the

cause of the appellants in the pending enquiry. No order as to costs.

(G.S. SINGHVI, CJ)

Date: 13th December, 2005

(R. SUBHASH REDDY,J)

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